

REMARKS

Applicants respectfully request consideration of the subject application as amended herein. This Amendment is submitted in response to the Office Action mailed December 22, 2006. Claims 1-18 stand rejected. In this Amendment, claims 10, 17 and 18 have been amended. No new matter has been added.

DOUBLE PATENTING REJECTION

Claim 1, 8 and 9 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 8 and 9 of Patent Application No. 10/814,569. The terminal disclaimers in compliance with 37 CFR § 1.321 are filed herewith to overcome the provisional non-statutory double patenting rejection.

35 U.S.C. §101

The Examiner has rejected claims 10-18 under 35 U.S.C. §101 as not limited to statutory embodiments. In particular, the Examiner alleges that claims 10-18 recite merely software per se as they include the term "fault delivery logic." Applicants respectfully disagree.

Fault delivery logic is not software per se, such as a computer program listing or a set of instructions, but rather a computer component that provides designated functionality and is interconnected with another computer component (memory). Claim 10 has been amended to recite "a fault delivery logic component, coupled to the memory," thereby clarifying that the present invention as claimed constitutes a statutory subject matter (see MPEP, sect. 2106.IV.B).

Applicants respectfully request the withdrawal of the rejection under 35 U.S.C. §101 and submit that the pending claims are in condition for allowance.

ALLOWABLE SUBJECT MATTER

Applicants thank the Examiner for indicating that claims 19-26 are allowed.

DEPOSIT ACCOUNT AUTHORIZATION

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Marina Portnova at (408) 720-8300.

Respectfully submitted,

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